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JASPER COUNTY, INDIANA

DEC 3 1997

ORDINANCE NUMBER 12-1-97D

Carol A. Spall  
Recorder, Jasper Co., IN

AN ORDINANCE TO AMEND THE JASPER COUNTY CODE OF 1983, AS AMENDED. 97

BE IT ORDAINED BY THE JASPER COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. NEW CHAPTER 74.

THE FOLLOWING CHAPTER IS HEREBY ADDED TO TITLE 7, PUBLIC HEALTH OF THE JASPER COUNTY CODE OF 1983, AS AMENDED, AND SHALL READ AS FOLLOWS:

"CHAPTER 74: ANIMAL CONTROL

Chapter 74: Animal Control

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Section 74.01: DEFINITIONS

When used in this ordinance, the following words shall have these meaning unless otherwise specified:

(A) Owner. Shall mean any person having a property right in any dog/cat or one in whose name such dog/cat has been licensed.

(B) Agent. Means any person(s) eighteen (18) years or older authorized by an owner to act in the owners behalf.

(C) Keeper. Shall mean any person having lawful custody of a dog/cat with the permission, express or implied, of such owner.

(D) Animal Control Officer. Designated employees of the animal shelter charges with enforcing this ordinance.

(E) Cat at Large. Shall mean any cat found to be roaming aimlessly away from the premises of its owner or keeper.

(F) Dog at Large. Shall mean any dog found to be roaming aimlessly away from the premises of its owner or keeper, excepting however a hunting or working dog which may have been lost or strayed away from its owner or keeper temporarily while engaged in lawful hunting or training.

(G) Dog/Cat Shelter. Shall mean any dog/cat shelter established by any lawful authority within the County, or by the action of the Board of Commissioners or County Council in the County, to keep, care for or legally dispose of dogs/cats impounded as provided for herein.

(H) Licensed Dogs. Shall mean any dog on which a tax has been assessed and paid and for which a license tag has been issued as required by the laws of the State of Indiana.

(I) Dangerous Dog/Cat. Shall mean any dog/cat which constitutes a potential threat to the health and safety of its owner or others because of its species, size, strength, temperament, training, behavior (normal or abnormal), disease carrier status or circumstances of confinement, except a dog so trained by duly constituted police or law enforcement authority.

(J) Rabies Vaccination. Means the injection by a licensed veterinarian of a dog or cat with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health.

(K) Non-Immunized Dog/Cat. Shall mean any dog/cat over six months of age which has not been vaccinated or immunized against rabies, or if a booster shot thereafter has not been administered for a period of twelve (12) months from the date of the last vaccination.

(L) Veterinarian. Means any person licensed and accredited to practice veterinary medicine in the State of Indiana.

(M) Peace Officer. Shall mean but not be limited to the County Sheriff, his deputies, the marshal of every town, the police officers of every city, the constable of every township, members of the state police and game wardens.

#### Section 74.02: ADOPTION OF INDIANA STATUTORY LAW REFERENCE

(A) All laws of the State of Indiana pertaining to the regulation and control of dogs and cats, including but not limited to, their ownership, licensing, harboring, abandonment, running at large, rabies control and quarantine, pursuit, capture, confinement, the prevention and control of disease of domestic animals as defined, and the administrative rules and regulations of the Indiana State Board of Health, and unlawful acts relating thereto not inconsistent herewith, are made a part thereof by reference.

(B) The provisions of this ordinance are not to replace such laws, but are to be considered supplementary and in addition thereto and fully enforced where not inconsistent with the laws of this state.

#### Section 74.03: PERMITTING DOGS/CATS TO RUN AT LARGE (Exceptions)

No person who owns, harbors or keeps a dog/cat shall permit such dog/cat to run at large or roam the countryside away from the premises where usually kept. The term "at large" means off the premises of the person owning or keeping such a dog/cat and while not under the control of such person or his agent, by leash or other effective means, excepting however hunting or working dogs or dog, while accompanied by its or their owners or keepers engaged in lawful hunting or in training of such dogs, or in or about a farm on which such a dog is usually kept.

#### Section 74.04: IMPOUNDING OF DOGS/CATS

(A) Any dog/cat whether licensed or unlicensed, may be captured and impounded by any peace officer or animal control officer if such dog/cat:

1. Is found running at large within the County;
2. Is a menace to persons or other animals;
3. Is suffering or reasonably suspected to be suffering from an infectious or contagious disease;
4. Is a dog not wearing a collar or license tag as required by law;
5. Causes serious annoyance or disturbance to persons in the neighborhood by habitual howling, yelping, barking, or otherwise;
6. Being vicious, is permitted to go unconfined and unrestrained;
7. Is found to be abandoned, neglected or tortured;
8. Breach of spay/neuter agreement after being adopted from the shelter;
9. Failure of animal owner to obtain rabies vaccination after reclaim of animal from shelter;
10. Is a dog over the age of six (6) months and is not properly vaccinated against rabies by a licensed veterinarian on an annual basis;
11. As otherwise provided for and required by this ordinance.

#### Section 74.05: CARE OF IMPOUNDED DOGS/CATS; RECORDING AND NOTICE TO OWNERS

(A) All dogs/cats impounded shall be given proper care, food and medicine until disposed of or released as hereinafter provided.

(B) The Animal Control Officer or his/her assistants shall make a record in a book kept for such purposes of the breed, color, size, sex of the dog/cat and whether such dog is licensed or not, and if licensed and wearing a tag, the number of such tag and, if shown or known, the name and address of the owner/keeper of the dog/cat, and any other facts serving to identify such dog/cat. Such record shall be open to public inspection. Licensed and unlicensed dogs, if so ascertained, shall be kept separate. The Animal Control Officer shall maintain a record thereof and shall forthwith mail a written notice to any known owner or keeper of such dog/cat.

#### Section 74.06: REDEMPTION AND SALE OF IMPOUNDED DOGS/CATS; EUTHANASIA OF DISEASED DOGS/CATS

(A) If the person owning, keeping or harboring a dog/cat which has been impounded notified the Animal Control Officer in writing within seven (7) days of his claim to such dog/cat, the Animal Control Officer shall permit such person to redeem the dog/cat by paying to the Township Assessor any license fee due for the current year. In addition, any dog or cat will not be released without either proof of current rabies vaccination or presentation by the animal owner of a receipt showing prepayment of a veterinarian's charges for such vaccination. A dog or cat not previously vaccinated must be vaccinated for rabies by a licensed veterinarian within forty-eight (48) hours after such release, and the owner shall supply proof of same to said animal control agency within seventy-two (72) hours after the release. Failure of the animal owner to obtain such vaccination after such release shall constitute a breach of the release agreement and entitle the animal control agency to regain possession of the animal.

An owner redeeming an impounded dog or cat shall pay to the County or its agent a redemption fee of twenty-five dollars (\$25.00) plus six dollars (\$6.00) for each additional day before such animal is released to such owner by the County Animal Control Agency. Such redemption fee shall increase by an additional twenty-five dollars (\$25.00) per impoundment for each subsequent time within a three-month period that the same or any other animal belonging to the same owner may be impounded. The County Animal Control Agency shall collect all such redemption fees for the County and shall account to the County and pay over all such fees to the County Auditor at the end of each month.

(B) Unlicensed dogs/cats may be redeemed by anyone paying the Animal Control Agency an adoption fee in the amount of fifteen dollars (\$15.00) and by furnishing a copy of a "paid" receipt from a licensed veterinarian showing that the animal will be spayed/neutered within thirty days of the date of the release from the dog/cat shelter, or in the case the dog/cat is less than six (6) months. No dog/cat may be redeemed for sale to or use by any individual or laboratory engaged in testing, research, or experimentation involving animals.

(C) Licensed dogs shall not be redeemed by other than the owner until the expiration of fourteen (14) days.

(D) A dog/cat which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious disease shall not be released, but shall be humanely euthanized.

(E) All dogs/cats impounded under this Code and not registered, licensed, tagged, and redeemed shall be disposed of in a humane manner after the expiration of the following time periods:

1. Five (5) days after notice is given to the owner as required in Section 74.05 above;
2. Five (5) days after impoundment when the owner is unknown; or
3. At a time fixed by a court of law.

Provided, however, that if the dog/cat appears to be suffering from mange or other infectious or contagious disease, except rabies, may be disposed of immediately upon impoundment. Any animal destroyed which is believed to be suffering from mange or other infectious disease shall be forthwith reported by the Animal Control Officer to the County Board of Health, unless otherwise provided by Indiana law. All animals believed to be suffering from rabies shall be handled in the manner specified in Section 74.08 herein.

#### Section 74.07: DOG/CAT BITES; REPORTING

It is and shall be the duty of a physician in attendance on every case of a human being bitten by a dog/cat to make a report thereof to the Jasper County Health Department; if no physician is in

attendance, if an adult, it shall be that person's duty to make such a report; if the person bitten is a minor, it shall be the duty of the parent or guardian to make such report.

#### Section 74.08: CONFINEMENT; REPORTING

(A) If any person is a victim of an animal bite, he shall immediately notify the County Health Department of the incident, and provide a description of the animal and the identification, if possible, of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than ten (10) days. The owner or person having had such custody shall immediately make a report to the County Health Department when and if such a dog dies and shall in addition have a licensed veterinarian preserve the head in ice for examination. If the dog/cat lives beyond such period, the fact will also be reported to the County Health Department.

(B) If the owner of an animal which has bitten a person has proof of current rabies inoculations, the animal may be left in charge of the owner, under quarantine, unless, in the judgment of the animal control officer, and based upon considerations of public safety, the animal control officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.

(C) In addition to any other legal obligations prescribed by law, the owner shall be liable for all costs incurred in the quarantine of the animal.

(D) If the ownership of the biting animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority of the County animal control agency and confined in the County's animal control facility for the period of observation of not less than ten (10) days.

(E) Animal Control Officers shall be empowered to enter onto private property for the purposes of impounding animal(s) which are known to have bitten a person and shall obtain legal process to do so if necessary.

(F) Unless other provided, the County and any of its agents shall comply with the standards set forth in I.C. 15-2.1-6.1 through I.C. 15-2.1-6-13 entitled "Rabies".

#### Section 74.09: RABID DOGS/CATS

No person shall harbor any dog/cat affected with rabies or hydrophobia or suffer them to run at large within the County. It shall be the duty of every police officer, Animal Control Officer and his deputies to humanely euthanize any dog/cat found to be so infected.

#### Section 74.10: DANGEROUS DOGS

(A) It shall be unlawful for any person to own or harbor a dangerous dog without keeping such dog securely confined on the owner's or keeper's premises and under such restraint that persons lawfully on the premises, or elsewhere, may not be attacked or bitten by such dog. The premises where such a dog is kept shall be adequately posted with warning signs "Beware of the Dog".

(B) It shall be unlawful for any person, excepting a duly constituted peace officer or animal control officer engaged in the discharge of a duty imposed upon him by the laws of this state or by the laws or postal regulations of the United State of America, or this ordinance to enter such premises or fenced area so posted, without the permission of or in the presence of the owner/keeper of such known dangerous dog.

(C) Any person harboring such a dog who shall violate this section with the result that bodily injury is inflicted upon a human being at a time and place where such injured person had a right to be, shall be guilty of a misdemeanor and upon conviction shall be fined any sum not exceeding five hundred dollars (\$500.00).

#### Section 74.11: TEASING AND TORMENTING DOGS/CATS

It shall be unlawful for any person to annoy or tease persistently any dog/cat thereby causing such a dog/cat to become irritated and dangerous. No person who is attacked or bitten by any dog/cat, shown or proven to have been so teased or annoyed by such person, nor anyone having a derivative claim by reason of any injury to such person, will have any right of action to recover damages from the owner or keeper of such a dog/cat.

#### Section 74.12: GENERAL ANIMAL CARE REQUIREMENTS

Every owner and/or his agent within the County shall see that each of his animals:

(A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement, but shall not include the normal husbandry practice of confined feeding.

(B) Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal.

(C) Has a proper and adequate structure provided that will protect that animal from all elements of weather and will allow that animal to stand, sit, and lie down without restriction and is kept in a sanitary manner.

(D) If ill, diseased or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings.

(E) Is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused or neglected, nor shall any person cause, instigate or permit any dogfight or combat between animals or between animals or humans.

(F) Is not physically altered in any manner by anyone other than a veterinarian or by accepted veterinary procedures and/or accepted animal husbandry procedures with the exception of tattooing for identification purposes and grooming.

(G) In the case of a dog over the age of six (6) months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by Indiana Code, and such animals shall be licensed as required by this Ordinance and State Law.

(H) Is properly restrained.

(I) In mating season, a dog or cat shall be kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species for unplanned breeding.

#### Section 74.13: VACINATION OF DOGS REQUIRED

(A) No animal owner or his agents shall keep or harbor a dog over the age of six (6) months unless it has been vaccinated annually by a licensed veterinarian with anti-rabies vaccine.

(B) Proof of vaccination shall be maintained by the owner for display if requested by the County or its agents.

#### Section 74.14: POISONING DOGS/CATS

It shall be unlawful for any person with the intent to destroy or kill any dog/cat, to feed the dog/cat of another one at large any poisoned food or to leave poisoned food where it may be found and eaten or consumed by any such dog/cat.

#### Section 74.15: ENTICING DOGS/CATS

No person shall entice any licensed dog/cat away from the premises of the person owning, keeping or harboring same, or entice any such licensed dog or cat from any highway, street, alley or public place in this County with the intention of depriving the owner, keeper or person harboring the same, of the possession thereof, except as authorized in this ordinance.

#### Section 74.16: TRESPASSING TO ENTICE AWAY

No person shall enter or invade the private premises of another to capture, entice or take any licensed dog or other animal out of the enclosure or premises of the person harboring the same, or molest or seize any such dog or other animal anywhere while the same is accompanied by his owner, keeper or custodian; or bring within the County any dog or other animal for the purpose of impounding or otherwise disposing of the same, or collecting any fee or reward for the return thereof, except as provided in this ordinance.

#### Section 74.17: FRESH PURSUIT

(A) Any County Sheriff or his other authorized personnel, the marshal of every town, police officer of every city, the constable of every township, any member of the state police, any game warden, or animal control officer upon information or personal observation that a diseased or dangerous dog/cat, or an unlicensed, untagged dog/cat, licensed or tagged, is or has been observed to be illegally roaming at large, unattended by his owner or keeper, or is one reasonably suspected of being a dangerous dog/cat to be at large, shall if in fresh pursuit of such dog/cat, follow and enter upon the owner or keeper's premises, if necessary, and impound such an animal in an established city, town, or county dog/cat shelter. Such a dog/cat when so captured and impounded will be kept confined, well fed, watered and cared for pending reclamation by its rightful owner/keeper. If not reclaimed within seven (7) days if unlicensed or fourteen (14) days if licensed, the dog/cat may be sold or humanely euthanized as the impounding office may elect.

(B) In the pursuit, capture and apprehension of any such dog/cat as contemplated herein, the officer in fresh pursuit will not be taken to have committed a trespass on any premises where he is required to go in pursuit of such dog/cat, but he may not use more than reasonable force in the discharge of the duty imposed upon him by this ordinance. Any person or persons interfering with or obstructing such officer in the discharge of his duties, may himself be subject to arrest and, as provided for by law, for resisting arrest or interference with a peace officer, not will such officer be liable in damages to anyone except for gross willful and wanton misconduct in the attempted discharge of his duty.

(C) In the event the dog/cat being pursued is not immediately apprehended or captured and escapes the officer in fresh pursuit, such officer may continue his search until dog/cat is captured and taken into custody, without a search warrant, providing the officer has reason to believe such dog/cat is

on the premises where last seen. If the search is abandoned however, such officer will be required to secure a search warrant before further search on return to take up the trail of such dog/cat.

#### Section 74.18: PRODUCTION ANIMALS

Farm production animals or livestock (defined in I.C. 15-2.1-2-27) are not intended to be controlled by this chapter of this Code.

#### Section 74.19: ENFORCEMENT

Enforcement of the provisions of this ordinance is specifically authorized by any Peace Officer with jurisdiction within Jasper County and any and all Animal Control Officers of the Animal Shelter.

In the event that either the above mentioned Peace Officers or Animal Control Officers observe a violation of any of the provisions of this ordinance, or receive reliable information which leads to the determination that a violation of the ordinance occurs; said officer may cite the owner of any animal in violation, or any person whose conduct specifically is prohibited by this ordinance.

Any said Peace Officer or Animal Control Officer observing such a violation or receiving information which leads to the determination of the violations occurred, shall serve the aforementioned violating individual with a citation which specifies which portion of the ordinance has been violated and advising said individual that the violation may be prosecuted pursuant to the terms of the ordinance.

Prosecution of any said violations of this ordinance shall be the responsibility of the County Attorney. Upon referral of the citation for violation of the ordinance, the office of the County Attorney may file the appropriate Court for adjudication of the violation.

#### Section 74.20: REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### Section 74.21: SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

#### Section 74.99: PENALTY

Any person who violates any duty imposed by this ordinance or commits any act declared hereby to be unlawful and for which no specific penalty is prescribed or provided by the laws of the State of Indiana, or by this ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense in any sum not to exceed five hundred dollars (\$500.00)."

SECTION 2. ADOPTION.

This ordinance shall be in full force and effect upon passage. Adopted this 1<sup>st</sup> day of December, 1997.

BOARD OF COUNTY COMMISSIONERS  
JASPER COUNTY, INDIANA  
Rensselaer, Indiana

Richard E. Maxwell

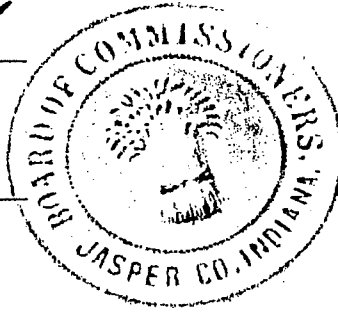
Richard E. Maxwell, Chairman

Gary G. Green

Gary G. Green, Vice-Chairman

Willis R. Pettet, Sr.

Willis R. Pettet, Sr., Member



ATTEST:

Rita J. Steele

Rita J. Steele, County Auditor